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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,458	03/23/2004	Se Kit Yuen	Q80268	1226
23373	7590	10/18/2007		
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER SNIDER, THERESA T	
			ART UNIT	PAPER NUMBER
			3723	
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			10/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/806,458	YUEN, SE KIT	
	Examiner	Art Unit	
	Theresa T. Snider	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5-7 and 9-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5-7 and 9-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the penetrable transmitting mirror radiating extreme ultraviolet rays to exit to a carpet or floor(claim 1) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: it is unclear as to where in the specification is disclosed that the cleaning head can freely swivel(claim 6).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 5-7 and 9-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1, it is unclear as to where is disclosed that the handle is 'extendable'. Claim 1, it is unclear as to where is disclosed the transmitting tube has a transmitting mirror protection that is used as a cover for the tube. Page 5 discloses a transmitting mirror under the tube and a separate moveable cover, having a different reference numeral than the mirror.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 1, 5-7 and 9-14 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: claim 1 recites a list of structural elements however fail to provide any structural connection between them.

6. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

Claim 14, line 2, it is unclear as to what constitutes a 'strong' suction.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1, 5-6, 9-10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al.(6,108,864) in view of Hung(5,233,723).

Thomas et al. discloses a similar dust collecting machine however fails to disclose an extreme ultraviolet ray transmitting tube.

Thomas et al. discloses a body (fig. 1, #12).

Thomas et al. discloses a draft fan and motor (fig. 3, #52).

Thomas et al. discloses a circuit board and circuit element (col. 2, line 67).

Thomas et al. discloses a switching push button (col. 3, lines 63-64).

It would have been obvious to one of ordinary skill in the art to provide an indicating light in Thomas et al. to alert an operator to the operating conditions of the machine.

Thomas et al. discloses a hand handle (fig. 3, #102).

Thomas et al. discloses an externally mounted long moveable handle (fig. 1, #20).

With respect to claim 1, Hung discloses a dust collecting machine having an ultraviolet ray transmitting tube and a transparent transmitting mirror (fig. 3, #4,31). It would have been obvious to one of ordinary skill in the art to provide the tube and mirror of Hung in Thomas et al. to allow for disinfection of the suctioned air.

Thomas et al. discloses a filter screen (fig. 3, #80).

Thomas et al. discloses a chargeable battery (fig. 3, #104).

Thomas et al. discloses a garbage box body (fig. 3, #70,73).

Thomas et al. discloses a power input line (col. 3, lines 64-65).

Thomas et al. discloses an externally mounted movable vacuum cleaner (fig. 1, #18).

With respect to claim 5, Thomas et al. discloses the handle attached to the upper part of the body and the long handle attached to a trailing end of the body (fig. 1, #12,20, unnumbered 102).

With respect to claim 6, Thomas et al. discloses the body can be used with or without the long handle and the head is freely adjusted to any angle (col. 1, lines 61-65).

With respect to claim 9, Thomas et al. discloses the filter screen can be cleaned and replaced (col. 1, lines 37-39).

With respect to claim 10, Thomas et al. discloses the machine can be powered by a battery or power supply line (col. 3, lines 62-65).

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With respect to claim 14, Thomas et al. discloses the fan capable to generate enough suction to draw debris into the garbage box body (col. 3, lines 45-48).

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al.(6,108,864) in view of Hung(5,233,723) as applied to claim 1 above, and further in view of McDowell(4,766,638).

Thomas et al. in view of Hung discloses a similar dust collecting machine however fails to disclose charging from an external power source.

McDowell discloses a dust collecting machine with a chargeable battery that can be charged from an external power supply (col. 4, lines 67-68). It would have been obvious to one of ordinary skill in the art to provide the external charging of McDowell in Thomas et al. in view of Hung to allow for recharging of the battery for continued use in the machine.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al.(6,108,864) in view of Hung(5,233,723) as applied to claim 1 above, and further in view of Oh et al.(6,968,595).

Thomas et al. in view of Hung discloses a similar dust collecting machine however fails to disclose an ultraviolet ray transmitting tube in the body.

Hung discloses an ultraviolet ray transmitting tube in a cleaning head (fig. 1, #4). Oh et al. discloses a dust collecting machine with an ultraviolet ray transmitting tube in the body (fig. 5, #500). It would have been obvious to one of ordinary skill in the art to

provide an ultraviolet ray transmitting tube in the body of Thomas et al. in view of Hung, as disclosed in Oh et al., to allow for disinfection of the air when the cleaning head is not connected to the body.

11. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al.(6,108,864), in view of Hung(5,233,723), as applied to claim 1 above, and further in view of Oh et al.(6,968,595) and Cuddeback(2,632,912).

Thomas et al in view of Hung discloses a similar dust collecting machine however fails to disclose a transmitting tube in a garbage box body and the connections therefore.

Oh et al. discloses a dust collecting machine with an ultraviolet ray transmitting tube in a garbage box body (fig. 5, #500). It would have been obvious to one of ordinary skill in the art to provide an ultraviolet ray transmitting tube in the garbage box body of Thomas et al. in view of Hung, as disclosed in Oh et al., to allow for disinfection of the air when the cleaning head is not connected to the body.

Cuddeback discloses a dust collecting machine with an ultraviolet ray transmitting tube having a power contacting part (fig. 1, #47, col. 4, lines 9-15). It would have been obvious to one of ordinary skill in the art that the tubes of Thomas et al. in view of Hung and Oh et al. would require power contacting parts, as disclosed in Cuddeback, to allow for powering of the tube and replacement thereof.

Response to Arguments

12. Applicant's arguments filed 8/2/2007 have been fully considered but they are not persuasive. Applicant suggests that he has amended the problem with claim 1 being a list of structural elements by adding new claim 14. The addition of claim 14 does not fix the problem of claim 1. Claim 1 should be amended to provide some sort of structural relationship between the various elements as opposed to providing a body with all the elements therein.

Applicant assumed that since claim 8 was not included in any of the 103 rejections, it was allowable and therefore incorporated into claim 1 with the intent that claim 1 would therefore be allowable. This argument is not persuasive because claim 8 was indicated as rejected on the PTO-326 and, more importantly, was included in a 103 rejection on page 10, two-thirds of the way down the page; it was rejected along with claim 1.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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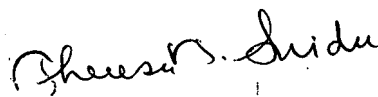
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277.

The examiner can normally be reached on Monday-Friday (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**THERESA T. SNIDER
PRIMARY EXAMINER**

Theresa T. Snider
Primary Examiner
Art Unit 3723

10/13/07